

REMARKS/ARGUMENTS

Specification

The specification has been amended to correct idiomatic and grammar errors.

Claim Objection

Claim 4 was objected for grammatical error. Claim 4 has been amended.

Claim Rejections § 112

Claim 2 was rejected for being indefinite in that no gene sequence was recited. This claim has been amended to positively recite Seq. ID number 5.

Claim 4 was rejected for being indefinite in that the relationship between the recited gene sequence and a biochip was not clear. The claim has been amended.

No new matter has been entered.

35 USC 102(b)

Claims 2 and 4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bertucci et al. (20050287544).

Claims 2 and 4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Eveleigh et al. (20040146921).

Claims 2 and 4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Rosen et al. (WO 0055351).

It appears that claims 2 and 4 were broadly rejected by these citations because the Office believed claim 2 did not positively recite any gene sequence. Claim 2 has been amended to now positively recite Seq. ID. No. 5 (the elected species). These rejections are now believed to be moot. Applicant respectfully submits that the amendments to the claims traverse this rejection.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (MPEP § 2131).

Request For Allowance

Claims 1-79 are pending in this application, claims 2 and 4 are under examination. In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested. Favorable consideration is respectfully requested.

Respectfully submitted,
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